

The Democratic people of Texas, thinking differently, have spoken in thunder tones in the adoption of the new Constitution, and sent up to this Legislature Democratic members enough to enforce its provisions, and he (the Senator) is not responsible.

So far as the other bill, providing for the issuance of State bonds is concerned, I repeat that the Senator from Harris is again at fault.

That bill proposes to sell bonds to the amount of \$1,675,000, or in bonds to bear 6 per cent. interest due in thirty years, and this money is to be used only for the purpose of paying off the interest-bearing debt, nearly all bearing ten per cent. interest, except \$200,000 deficiency and outstanding warrants, \$42,721 29 already issued and long since due, and not one dollar of it to pay the per diem pay of members of the Legislature, as stated by the Senator from Harris. This much I have seen proper to say as a question of privilege, because I am urged to do so by honorable Senators, some of whom have grown gray in the defence of Texas and the Democratic party.

STOREY, *Chairman Finance Committee.*

Senator Grace moved the previous question, which was seconded and the main question ordered.

The bill then passed to a third reading.

On motion of Senator Storey, the rules were suspended to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, McLeary, McCulloch, Moore, Motley, Piner, Storey, Thompson, Wortham—22.

NAYS—Senators Brady, Burton, Martin, Ripetoe—4.

NOT VOTING—Senators Stephens, Terrell—2.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby, McLeary, McCulloch, Moore, Motley, Piner, Storey, Terrell, Thompson, Wortham—22.

NAYS—Senators Brady, Burton, Henry F. M., Martin, Ripetoe—5.

NOT VOTING—Senator Stephens—1.

On motion of Senator Crain, the Senate adjourned until Monday morning at 9 o'clock.

SEVENTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 10, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by Rev. Mr. Stanton, Chaplain of the House.

Journal of Saturday adopted.

Senator Thompson presented the petition of the county officials of Wharton county, asking the passage of a special act, "authorizing the holding of a special term of the District Court in their county, in August next," as the regular term of their court will not be held until December next, and giving various other reasons for their request.

Referred to Judiciary Committee No. 2.

Senator F. M. Henry presented the petition of numerous citizens of Cass county, "protesting against the cutting off any part of their county, and attaching it to Morris county."

Referred to Committee on Counties and County Boundaries.

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 289, "An Act to fix the times for holding the District Courts of the Eighth Judicial District," have instructed me to report the same back, with the recommendation that it do pass. HOBBY, Chairman.

Senator Storey, from Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1 have had under consideration Senate Bill No. 189, "An Act to regulate the duties of the Attorney for the Criminal District Court of the counties of Galveston and Harris, and the County Attorney of Harris county," and I am instructed to report as a substitute therefor, "An Act to regulate the respective duties of District and County Attorneys," and to recommend that the substitute do pass. STOREY, for Committee.

Senator McLeary, Chairman of Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred House Bill No. 180, "An Act for the relief of the citizens of Montague county," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it be referred to the Committee on Finance. MCLEARY, Chairman.

Report of committee adopted and bill so referred.

Senator Stephens, Chairman of Committee on Federal Relations, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Federal Relations, to whom was referred Joint Resolution No. 331, "instructing the Senators and requesting the Representatives from Texas, in Congress, to urge the passage of a bill providing for the speedy removal of the Seminole Indian negroes from the Rio Grande frontier," have had the same under consideration and instruct me to report it back with the recommendation that it do pass, with the following amendment as an additional section, to-wit:

"That owing to the fact that the Congress of the United States will adjourn within less than ninety days from the adjournment of this Legislature, constitutes a public necessity and emergency, and that this resolution shall take effect and be in force from and after its passage."

STEPHENS, Chairman.

Senator Thompson introduced a bill entitled: "An Act holding a special term of the District Court in Wharton county, to be held in August, 1876, for the trial of criminal causes."

Read by caption and referred to Judiciary Committee No. 2.

Senator Terrell introduced a joint resolution, "Providing for the leasing and care of the block or lot of land in the city of Austin, lying north of the State Capitol, and known on the map of said city, now on file in the General Land Office, as College Hill."

Read by caption and referred to Committee on State Affairs.

House Bill No. 7, "An Act to suspend the collection of the road and bridge tax levied for the year 1876, in certain cases," was by the President referred to Committee on Finance.

Senator Terrell introduced a bill to be entitled: "An Act to reserve from future location all abandoned and forfeited surveys of land in the State of Texas, and to set aside and donate the same to the common school fund of the county or counties in which such abandoned or forfeited surveys of land may be situated."

Read by caption and referred to Committee on Public Lands.

Senator Edwards introduced a joint resolution, "Instructing the Governor to contract for the building of the east and west penitentiaries and making an appropriation therefor."

Read by caption and referred to Committee on Finance.

On motion of Senator Moore, the rules were suspended, and concurrent resolution, "Fixing the time of adjournment," was taken up and read.

Senator Carroll moved that the resolution be postponed until to-morrow at 11 o'clock A. M.

Lost.

The report of committee recommending an amendment to the resolution, changing the time of adjournment as set forth in the resolution on 18th inst. to the 31st inst., was adopted.

Senator Burton moved to amend by inserting, "the 20th inst."

Lost.

Senator McLeary moved to amend by inserting, "the 25th inst."

Lost.

Senator Piner moved to amend by inserting, "the 17th of August next."

Lost.

Senator Ball offered the following substitute for the resolution:

Resolved, by the Senate, the House concurring, that owing to the extreme hot weather, and the inability of the members to work efficiently during such weather, the Legislature do adjourn on the 18th day of July, to meet again on the first Monday in November, A. D., 1876, and to remain in session then sufficiently long, at \$2.00 per day, to do all necessary legislation, under the Constitution of 1875.

Lost.

Senator McLeary moved to postpone the further consideration of this resolution until to-morrow, and that it be made the special order for 11 o'clock on that day, and from day to day, until disposed of.

Lost.

The resolution was then adopted by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCulloch, Moore, Stephens, Storey, Thompson, Wortham—21.

NAYS—Senators Ball, Burton, Francis, Henry J. R., McCormick, Motley, Piner, Ripetoe, Terrell—9.

Senator McLeary gave notice of a motion to reconsider the passage of this resolution.

On motion of Senator Brady, the rules were suspended, and House Bill No. 212, "An Act to facilitate commerce and navigation, within the navigable waters of the State of Texas," was taken up, and read third time.

The pending motion to reconsider "passing the bill to its third reading," was taken up.

Senator Crain moved to postpone till Monday next.

Lost.

Senator Crain moved to postpone until Thursday next,

Carried, and the whole matter accordingly postponed.

Senator Crain, from the Select Committee on Senate Bill No. 217, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Select Committee, to whom was referred Senate Bill No. 217, "An Act to encourage stock raising, and for the protection of stock raisers," have had the same under consideration, and beg leave to report the same back and recommend its passage, with the following amendments:

Strike out Section 1, and insert the following:

"SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That each organized county of this State shall be created an inspection district for the inspection of hides and animals, and that an Inspector of Hides and Animals shall be elected by the qualified voters of each county; and that, in case of a vacancy, the Sheriff of the county shall be *ex officio* Inspector until an Inspector shall be appointed by the County Commissioner's Court, which power of appointment of an Inspector, in case of a vacancy in the office, is hereby vested in said court."

Add to Section 4 the following: "And shall receive a certificate of his appointment as deputy, signed by the Inspector, which shall be recorded in the office of the County Clerk."

In Section 6, strike out lines 1 and 2 down to the word, "the," in line 2, and insert, "the County Commissioners' Court shall furnish to each Inspector."

In Section 7, line 11, strike out the word, "weight," and in line 20, strike out the word, "Commissioners."

In Section 8, strike out lines 1 and 2, down to the word, "unbranded," and insert, "no Inspector shall grant any certificate of inspection of any."

In Section 9, line 10, insert before the word, "the," the words, "from the person proved to be."

In Section 12, line 5, after the word, "Inspector," insert, "or by any officer authorized to take acknowledgments."

Add to Section 13 the following: "Except the county from which the same may be exported."

In Section 17, line 7, strike out the word, "three," and insert the word "ten."

Insert after Section 17, numbering it 18, and changing the numbers of the remaining sections, the following section:

"SEC. 18. Whenever a drove of cattle may be passing through any county, it shall be the duty of the Inspector, if called upon so to do by

any person, to stop and inspect said drove without any unnecessary detention of the same, and he shall exercise the same powers and perform the same duties in the inspection of said cattle as are prescribed in Sections 7, 9 and 10 of this act: *provided*, that if any cattle be found in said drove, not included in the certificate of the Inspector of the county in which the drove may have been gathered, the fees of the Inspector shall be paid out of the proceeds of the sale of said cattle, but if no cattle shall be found in said drove except those covered by the Inspector's certificate, then the Inspector's fees shall be paid by the person at whose instance and request said drove may be inspected."

Strike out Sections 18 and 19.

In Section 23, line 25, insert the word, "all," after the word, "of," and strike out the words, "interested therein." Add to the section: *Provided*, That the provisions of this section shall only apply to counties in which the work of transcribing the record has not already been done in accordance with law."

Add to Section 24: "*Provided*, That if such applicant shall have previously had such mark and brand recorded in some other county, and shall have a certificate from the Clerk of the county in which said brand had been recorded; and if said certificates shall state that said brand and mark had been recorded in said county at some time anterior to the time of the registration of the similar mark and brand in the county in which the said applicant may desire to have his brand recorded, then said brand and mark shall be recorded, and the Clerk shall, on the record, make a minute setting forth said facts."

Strike out Section 25, and insert the following as a substitute:

"SEC. 25. For each hide or animal inspected, ten cents; but if more than fifty hides or animals be inspected in one lot, then ten cents apiece for the first fifty, and three cents each for all above that number."

In Section 28, line 11, insert the word, "may," after the word, "then."

In Section 29, line 15, insert the word, "other," after the word, "none."

In line 26, insert the words, "that he," before the word, "has."

In lines 17 and 18, after the word, "certificate," insert the words, "which he shall first enter in his record."

In line 61, after the word, "peace," insert the words, "County Judge."

In line 66, insert, "shall be," before the word, "deposited."

In line 68, strike out the word, "to," and insert after the word the following: "At the end of that time the proceeds shall."

In line 76, after the word, "certificate," insert the words, "to be compared by the Inspector with the original certificate."

Add to Section 29: "Any Inspector or deputy who shall wilfully fail, refuse or neglect to comply with the provisions of this section, shall, on conviction, be punished by imprisonment in the penitentiary for not less than two nor more than five years, or by fine not exceeding one thousand dollars, in the discretion of the jury, and shall be removed from office by the court having jurisdiction of the offence."

In Section 31, line 4, strike out, "twenty-ninth," and insert, "thirtieth."

Strike out Section 32.

In Section 35, line 7, strike out "fifteenth" and insert, "sixteenth."

In Section 36, line 5, strike out "sixteen," and insert, "eighteen."

Add to Section 36 the words, "for each hide so inspected."

In Section 38, line 6, strike out "fourteenth," and insert, "fifteenth."

In Section 40, line 4, after "eleven," insert the words, "and twelve."

In line 8 strike out the words, "an enclosure," and insert, "a pen."

In Section 43, line 7, strike out all after the word, "marked."

In Section 45, in first blank, insert the word, "nine." In second blank, insert the word, "ten."

In line 4, after the word, "district," insert the words, "or county."

CRAIN, *for Committee.*

On motion of Senator Thompson, the bill was made the special order for Saturday next, at 11 o'clock A. M., and from day to day, until disposed of.

Senate Bill No. 275, "An Act to encourage the construction of railroads by donations of lands," being the special order, was taken up.

Senator Storey moved a call of the Senate.

Call sustained.

Roll called.

Senate full.

Senator McLeary moved the point of order that the bill was not the special order, having lost its place by being recommitted.

The point of order was sustained by the chair.

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 333, entitled, "An Act to provide for a special term of the District Court in Wharton county, to be held in August, 1876, for the trial of criminal causes," beg leave respectfully to report that they have had said bill under consideration and recommend that it do pass,

PINER, *Chairman.*

Senator Edwards, from the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public free schools," and find the same correctly engrossed.

EDWARDS, *for Committee.*

The message of His Excellency, the Governor, of July 8, was taken up and read:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, July 8, 1876. }

To the Hon. Senate of the State of Texas:

GENTLEMEN:—I respectfully ask your advice and consent to the following appointments, to-wit:

C. F. Witherspoon, Notary Public for Gregg county.

E. S. Terry, " " " "

John T. Kilgore, " " " "

L. G. Jackson, " " " "

J. B. J. Powell, Notary Public for Camp county.

William H. Davidson, Notary Public for Robertson county.

John R. Kennard,	Notary Public for Grimes county.				
Charles Amsler,	Notary Public for Montgomery county.				
Alex. Chambers,	"	"	"	"	"
L. G. Clepper,	"	"	"	"	"
John L. Dupree,	"	"	"	"	"
Jacob M. Fullenwider,	"	"	"	"	"
Clarence Philips,	"	"	"	"	"
T. N. Drew,	"	"	"	"	"
C. L. Heifrin,	Notary Public for Parker county.				
P. F. Brannan,	"	"	"	"	"
W. H. Bullock,	Notary Public for Wise county.				
G. Salmon,	"	"	"	"	"
H. D. Donald,	"	"	"	"	"
Lee Newton,	"	"	"	"	"
L. J. Randall,	"	"	"	"	"
H. C. Ferguson,	"	"	"	"	"
J. B. Ford,	"	"	"	"	"
A. Bishop,	"	"	"	"	"
G. A. M. Starks,	Notary Public for Montague county.				
John H. Stevens,	"	"	"	"	"
M. Shipley,	"	"	"	"	"
Wade Atkins,	"	"	"	"	"
W. H. Grigsby,	"	"	"	"	"
A. B. White,	"	"	"	"	"
John S. Love,	"	"	"	"	"
W. D. Allen,	"	"	"	"	"
C. McNatt,	"	"	"	"	"
A. L. Shoemaker,	"	"	"	"	"
J. E. Gordan,	Notary Public for Clay county.				
T. B. Reese,	"	"	"	"	"
John W. Cook,	"	"	"	"	"
L. C. Barrett,	"	"	"	"	"
W. W. H. Lawrence,	"	"	"	"	"
J. Medlin,	"	"	"	"	"
Wm. L. Blanton,	"	"	"	"	"
Allen K. Swan,	"	"	"	"	"
J. G. Collins,	"	"	"	"	"
J. M. Rogers,	Notary Public for Jack county.				
H. H. Gaines,	"	"	"	"	"
James R. Robinson,	"	"	"	"	"
J. R. Jowell,	Notary Public for Young county.				
S. W. Montgomery,	"	"	"	"	"
John W. Proffitt,	"	"	"	"	"
J. F. Beall,	Notary Public for Tarrant county.				
J. P. Lipscomb,	"	"	"	"	"
A. J. Chambers,	"	"	"	"	"
Jesse Jones,	"	"	"	"	"
J. S. Morris,	"	"	"	"	"
J. J. Ingram,	"	"	"	"	"
J. C. Scott,	"	"	"	"	"
Gideon Nance,	"	"	"	"	"
Thos. A. Neace,	"	"	"	"	"
Zane Cetti,	"	"	"	"	"

T. W. Jones,	Notary Public for Tarrant county..		
J. Q. St. Claire,	"	"	"
T. O. Moody,	"	"	"
B. B. Paddock,	"	"	"
J. P. Smith,	"	"	"
C. C. Cummings,	"	"	"
M. J. Brinson,	"	"	"
William H. Field,	"	"	"
J. W. S. Morrison,	"	"	"
M. C. Reed,	Notary Public for Coryell county..		
W. E. Weaver,	"	"	"
G. A. Strickland,	"	"	"
J. A. Rawles,	"	"	"
M. J. Strickland,	"	"	"
W. E. Oakes,	"	"	"
S. D. Lacy,	"	"	"
F. M. Browning,	Notary Public for Bosque county..		
J. H. Lumpkin,	"	"	"
F. M. Cutling,	"	"	"
J. I. King,	"	"	"
G. W. Gentry,	Notary Public for Erath county..		
J. W. Cartwright,	"	"	"
S. O. Berry,	"	"	"
T. L. Nugent,	"	"	"
J. D. St. Clair,	"	"	"
W. H. Fooshee,	"	"	"
R. L. Chalk,	"	"	"
W. J. Brocket,	"	"	"
D. B. Corley,	Notary Public for Eastland county..		
Peter Davidson,	"	"	"
Elisha Terry,	Notary Public for Hamilton county..		
J. A. Eidson,	"	"	"
L. K. Billingsby,	"	"	"
J. C. Gouldy,	"	"	"
Isaac H. Steen,	"	"	"
C. N. Rutherford,	"	"	"
J. S. Harlan,	Notary Public for Stephens county..		
T. J. Duke,	Notary Public for Hood county..		
Ben. T. Tipson,	"	"	"
W. H. Milliver,	"	"	"
C. W. Massie,	Notary Public for Palo Pinto county..		
R. J. Browning,	"	"	"
Sam. P. Haynes,	"	"	"
J. K. P. Shirley,	"	"	"
D. M. McCoy,	Notary Public for Somerville county..		
C. K. Stribling,	Notary Public for Shackelford county..		
R. A. Jeffries,	"	"	"
John Y. Rankin,	Notary Public for Brown county..		
P. M. Thurmond,	"	"	"
D. A. St. Clair,	Notary Public for Coleman county..		
C. B. Mason,	Notary Public for Comanche county..		
N. Yarbrough,	"	"	"
Geo. E. Lawrence,	"	"	"

J. W. Hill,	Notary Public for Comanche county.
E. L. Shropshire,	" " " "
Arthur J. Pilgrim,	" " " "
R. T. Childs,	" " " "
James E. Dillard,	Notary Public for Cherokee county.
G. W. Porter,	Notary Public for Grayson county.
John M. Wilson,	" " " "
L. J. Logue,	Notary Public for Colorado county.
Geo. McCormick,	" " " "
J. C. Kindred,	" " " "
George A. McCall,	Notary Public for Parker county.
J. S. Bruce,	Notary Public for Colorado county.
D. W. Jackson,	" " " "
J. F. Leyendecker,	" " " "
H. C. Everett,	" " " "
Wm. Schoellman,	" " " "
J. D. Roberdeau,	" " " "
Joseph Scheller,	" " " "
Freinch Simpson,	" " " "
G. H. Schroeder,	" " " "
John Woods,	Notary Public for Lavaca county.
Wm. Sartwelle,	" " " "
H. K. Judd,	" " " "
R. C. Saunders,	" " " "
J. W. McGill,	" " " "
W. B. Rhodes,	" " " "
George Cook,	" " " "
A. W. Hicks,	" " " "
B. B. Haynes,	" " " "
A. P. Towns,	Notary Public for Gonzales county.
W. S. Fly,	" " " "
Thos. H. Spooner,	" " " "
L. H. Planck,	" " " "
Samuel F. Winston,	" " " "
J. L. Lamkin,	" " " "
John M. Bell,	" " " "
W. F. King,	" " " "
James Wheat,	" " " "
J. K. P. Green,	" " " "
J. C. Gillespie,	" " " "
S. H. Woldie,	" " " "
L. N. West,	" " " "
Geo. H. Vaughan,	" " " "
J. M. Cox,	" " " "
W. E. Jones,	" " " "
W. B. Freidrich,	" " " "
William Lott,	" " " "

Very respectfully,

RICHARD COKE.

President *pro tem.* in the chair.

On motion of Senator Grace, the Senate then went into executive session in the consideration of the appointments made in the message of His Excellency of Saturday, the 8th inst.

IN SENATE.

The Secretary was instructed to inform His Excellency, the Governor, that the Senate does advise and consent to all his appointments, made in his message of the 8th inst., except the appointments of Notaries in Hood county, which were postponed in consequence of errors in the names, and the appointments from Grimes county, as the Senator from said county was absent.

President in the chair.

Senate Bill No. 99, "An Act to amend the penal code of the State of Texas," approved August 26, 1856, being special order, was taken up.

Senator Hobby in the chair.

On motion of Senator Ledbetter, the bill was postponed.

Senator Grace moved to postpone the special order.

Carried.

Also, a suspension of the rules, to take up House Bill No. 289, "An Act to fix the times for holding the District Courts for the Eighth Judicial District."

Carried, and the bill taken up and read first time.

On motion of Senator Grace, the rules were suspended to place the bill on its second reading by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, Martin, McCormick, McCulloch, Moore, Motley, Ripetoe, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Burton, Brady, Crain, Edwards, Piner, Stephens—6.

Bill read second time, and passed to the third reading.

The rules were suspended to place the bill on its third reading by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—None.

NOT VOTING—Senators Brady, Burton, Crain, Piner—4.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—27.

NAYS—None.

NOT VOTING—Senators Burton, Crain, Piner—3.

On motion of Senator Thompson, the rules were suspended and Senate Bill No. 233—"An Act to provide for a special term of the Court in Wharton county, to be held in August, 1876, for the trial of criminal causes," was taken up and read first time.

Senator Thompson moved a further suspension of the rules to place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby,

Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—None.

NOT VOTING—Senators Crain, Henry F. M., Piner—3.

Bill read second time and ordered engrossed.

Senator Thompson moved to still further suspend the rules to place the bill on its third reading.

Carried by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Thompson, Wortham—26.

NAYS—None.

NOT VOTING—Senators Crain, Ledbetter, Piner, Terrell—4.

Bill read third time and passed by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Thompson, Wortham—27.

NAYS—None.

NOT VOTING—Senators Crain, Piner, Terrell—3.

On motion of Senator Brady, the special orders were postponed and the rules were suspended, and Senate Bill No. 291, "An Act to prescribe the times of holding the District Courts in the Twenty-first Judicial District," was taken up, read third time and passed.

A message was received from the House, announcing the passage by that body of House Bill No. 200, "An Act to define and punish sodomy;" House Bill No. 207, "An Act to provide for the change of venue in certain cases;" House Bill No. 372, "An Act to create and organize the county of Bennett;" also that the House concurred in Senate amendments to House Bill No. 191, "An Act to provide for the transfer of business, civil and criminal, pending in the District Courts, over which jurisdiction is given by the Constitution to the Justices' Courts to the several Justices' Courts of this State," and also adopts the report of the Committee of Conference, on the disagreement between the two Houses, on House Bill No. 64½, "An Act to organize Commissioners' Courts, and to define their jurisdiction and duties."

On motion of Senator Wortham, the special orders were postponed, rules suspended and House Bill No. 375, "An Act for the relief of the Tyler Tap Railroad Company," was taken up and read first time.

On motion of Senator Wortham, the rules were further suspended to place the bill on its second reading, by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Douglass, Grace, Ledbetter, McLeary, Piner—5.

The bill was then read second time and passed to its third reading.

On motion of Senator Wortham the rules were further suspended to place the bill on its third reading, by the following vote :

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin.

McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Brown, Carroll, Douglass, Ledbetter, McLeary, Piner—6.

Bill read third time and lost by the following vote, it requiring a two-third vote:

YEAS—Senators Ball, Brady, Burton, Francis, Ford, Guy, Henry J. R., Henry F. M., Hobby, Moore, Motley, Ripetoe, Terrell, Thompson—14.

NAYS—Senators Blassingame, Brown, Carroll, Crain, Edwards, Grace, McLeary, McCormick, McCulloch, Stephens, Storey, Wortham—12.

NOT VOTING—Senators Douglass, Ledbetter, Martin, Piner—4.

Senator Crain moved to reconsider the vote just taken.

Carried.

Senator Terrell offered the following amendment as an additional section:

"SEC. —. This extension is granted only on condition that said company shall, on or before the first day of October, 1876, file with the Secretary of State a complete acceptance of all the provisions of the Constitution applicable to railroads, including legislative power of State to regulate rates of fare and charges on said road by general law."

Adopted.

Senator McLeary offered the following amendment:

SEC. —. No relief herein provided for shall be granted unless the Tyler Tap Railroad Company shall consent, within three months, that "An Act supplementary to and amendatory of an act entitled, 'An Act to amend Sections 7, 10 and 20 of an act entitled, 'An Act to incorporate the Tyler Tap Railroad Company,' passed May 7, 1873, approved February 25, 1875, be hereby repealed.

Senator Storey offered the following as a substitute for Senator McLeary's amendment:

"*And provided, further,* That said railway company shall receive no lands on any part of the road hereafter graded until the track is laid down and the road completed in good running order thereon."

Pending the consideration of these amendments, on motion of Senator Martin, the Senate adjourned until this evening at 4 o'clock.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called. Quorum present.

The President signed, after reading their captions, Senate Joint Resolution No. 250, "Instructing our Senators and requesting our Representatives in Congress, to secure, if possible, the permanent establishment of a line of steam vessels to carry the United States mail once a week between the city of Galveston and Brazos Santiago;" also, Senate Bill No. 86, "An Act to define the duties of County Attorneys and regulate the performance of the same."

Senator Hobby in the chair.

House Bill No. 375—"An Act for the relief of the Tyler Tap Railroad Company," being the unfinished business, was taken up, the pending question being the substitute of Senator McLeary.

Senator Terrell moved a call of the Senate.

Call sustained.

ABSENT—Senators Brady, Crain, Ledbetter, Edwards, McLeary, Thompson—6.

Senator Martin moved to excuse Senators McLeary and Edwards.
Lost.

Senator Terrell moved to postpone the special order to take up House Bill No. 372, "An Act entitled, 'An Act to create and organize the county of Bennett.'"

Rules suspended and said bill taken up and read first time.

The chair (Senator Hobby in the chair) announced that the ruling made on House Bill No. 37, "An Act to grant extension of time to the Tyler Tap Railroad," that the bill had not passed, requiring a two-thirds vote, the vote being 14 yeas, 12 nays, was withdrawn, and that the bill on that vote passed, but would not take effect until ninety days after the adjournment of the Legislature.

Senator Piner moved a suspension of the rules to take up Senate Bill No. 119, "An Act to regulate proceedings in the County Court pertaining to estates of deceased persons," with House amendments.

Carried, and bill taken up.

Senator Guy moved to take up the House amendments, *seriatim*.

Carried.

All the amendments of the House were concurred in but the 33rd amendment, which, on motion of Senator Piner, the Senate refused to concur in.

Senator McCormick moved to reconsider the vote of the Senate, concurring in the 27th House amendment to Senate Bill No. 119, "The probate law."

Carried.

On motion of Senator Piner, the Senate refused to concur in said amendment.

Senate Bill No. 230, "An Act to establish a State detective force, and provide for the government and regulation of the same," being the special order, was taken up.

On motion of Senator Ledbetter, the further consideration of the bill was postponed until to-morrow.

On motion of Senator Guy, the printed Senate Bill No. 104, "An Act to regulate fees of committing Magistrates and Sheriffs, in committing courts," was taken up, substituted for the original bill and read second time.

Senator Guy offered the following amendment:

Amend by adding Section 3 to this bill, as follows:

"SEC. 3. As there are many cases now being tried by Justices of the Peace as examining courts, and as there are some doubts existing as to whether said officers will be entitled to receive any fees for such services in the event that no bill of this kind be passed by this Legislature, and as the Legislature is nearing its adjournment, therefore an imperative public necessity for the immediate passage of this bill, and an emergency that the same take effect from its passage (both existing), that this act take effect and be in force from and after its passage.

Adopted.

Senator Guy offered the following amendment:

Amend by inserting after the word, "felony," first time in line 6, in Section 1, the words, "as in cases of appeal from Justices' Courts."

Adopted.

Also the following amendment:

Amend by inserting the word, "finally," between the words "was" and "tried," in line 12, of Section 1.

Adopted.

Senator Piner offered the following amendment:

Amend Section 2, after the word, "services," by the words, "in cases tried in the Justices Courts."

Adopted.

Senator Burton offered the following amendment:

Amend Section 1 by striking out all after the word, "receive," to the word, "cents," in line 7, and inserting the word, "twenty."

The bill was then ordered engrossed.

Senator Guy moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Francis, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—Senator F. M. Henry—1.

NOT VOTING—Senators Crain, Douglass, Edwards, McLeary—4.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—Senators Francis, Henry F. M.—2.

NOT VOTING—Senators Burton, Crain, Edwards, McLeary—4.

Senator Stephens, Chairman of the Committee on Engrossed Bills submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared, and find correctly engrossed, Senate Bill No. 333: "An Act to provide for holding a term of the District Court of Wharton County, in August, 1876, for the trial of criminal causes."

STEPHENS, *Chairman.*

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled, the following bills:

Senate Bill No. 86—"An Act to define the duties of County Attorneys and regulate the performance of the same."

Senate Joint Resolution No. 250—"Instructing our Senators and requesting our Representatives in Congress to secure, if possible, the permanent establishment of a line of steam vessels to carry the United States mail once a week between the city of Galveston and Brazos Santiago."

The same has been properly signed, and presented to the Governor this day at 4:15 o'clock P. M. for his approval. GRACE, *Chairman.*

Senate Bill No. 60, being a special order, was taken up, and, on motion of Senator Brady, was postponed until next Wednesday week.

On motion of Senator Terrell, the rules were suspended, and Senate Bill No. 171, "An Act to provide for transcribing county records in certain cases," was taken up and read second time, and the report of Judiciary Committee No. 1, recommending amendments, adopted.

The bill was then ordered engrossed.

Senate Bill No. 124, "An Act to provide for the incorporation of Building Fund and Loan Associations," being a special order, was taken up and read second time.

Senator Storey in the chair.

The Senate being announced as full, the consideration of House Bill No. 375, "An Act for the relief of the Tyler Tap Railroad Company," was resumed, the pending question being on the substitute offered by Senator Storey for the amendment offered by Senator McLeary.

The substitute was adopted and the amendment as substituted lost.

Senator McLeary offered the following amendment:

"SEC. —. It is a condition of this act that said company shall hereafter receive no land for any part of its road until the iron is laid down and the road fully equipped and in good running order."

Lost by the following vote:

YEAS—Senators Ball, Blassingame, Crain, Ford, Grace, Henry J. R., Ledbetter, Martin, McLeary, McCulloch, Stephens—11.

NAYS—Senators Brady, Brown, Burton, Carroll, Edwards, Francis, Guy, Henry F. M., Hobby, McCormick, Moore, Motley, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—18.

NOT VOTING—Senator Douglass—1.

Senator Grace moved to adjourn until to-morrow morning at 9 o'clock.

Lost by the following vote:

YEAS—Senators Crain, Grace, McLeary, McCulloch, Stephens—5.

NAYS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McCormick, Moore, Motley, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—22.

NOT VOTING—Senators Douglass, Ford, Martin—3.

Senator Ledbetter moved the previous question, which was seconded and the main question ordered.

Senator Crain moved to adjourn until to-morrow morning at 8:59 o'clock.

The chair decided the motion out of order during the call for the previous question.

Senator Crain appealed from the decision of the chair, and the chair was sustained, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Thompson, Wortham—23.

NAYS—Senator Crain—1.

NOT VOTING—Senators Douglass, Grace, Hobby, Piner, Storey, Terrell—6.

The bill then passed, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll,

Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—Senators Crain, McLeary, Martin—3.

NOT VOTING—Senator Douglass—1.

The President in the chair.

A message was received from the House, announcing that that body had receded from its amendments Nos. 27 and 33 to Senate Bill No. 119, "An Act to regulate proceedings in the County Courts pertaining to estates of deceased persons."

On motion of Senator Crain, the Senate adjourned until to-morrow morning at 9 o'clock.

SEVENTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 11, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Chaplain.

The journal of yesterday adopted.

On motion of Senator Henry of Limestone, Senator Blassingame was excused for the day.

Senator Burton presented two petitions of the citizens of Fort Bend county, "requesting the prohibition of convict labor on plantations."

Referred to Committee on Penitentiaries.

Senator Stephens presented a petition from the grand and petit jurors of Palo Pinto county, "asking that the penal code be amended, leaving it in the discretion of the jury to assess the punishment for theft of cattle in any sum not less than \$250, or by imprisonment in the penitentiary."

Referred to Judiciary Committee No. 1.

Senator Piner, Chairman Judiciary Committee No. 2, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 314, entitled, "An Act to ascertain the amounts due to teachers of public free schools for services rendered after the first day of July, 1873, and prior to the first day of January, 1876, and to provide for the payment of the same," have had the same under consideration, and beg leave to report it back, and recommend that it be referred to Committee on Education.

PINER, *Chairman.*

Report adopted, and the bill referred to Committee on Education.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 91, entitled, "An Act to provide for the enforcement of final judgments in civil cases rendered in the several courts of this State," have had the same under consideration, and I am instructed by a majority of said committee to report it back and recommend that it do pass.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill